

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA

v.

BENJAMIN ABRAHAM, a/k/a Yakiel Ben-
Abraham, a/k/a Yakiel Benabraham, a/k/a
Yahiel Benabraham

)
DOCKET NO.: 3:17-cr-273-RJC
)
FACTUAL BASIS
)
)

NOW COMES the United States of America, by and through Dana Washington, Attorney for the United States pursuant to 28 U.S.C. § 515, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime. The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. From at least December 2012 through at least May 2017, in Mecklenburg County, within the Western District of North Carolina and elsewhere, the defendant, BENJAMIN ABRAHAM, a/k/a Yakiel Ben-Abraham, a/k/a Yakiel Benabraham, a/k/a Yahiel Benabraham, did knowingly and intentionally devise a scheme and artifice to defraud and obtain money from victims by using materially false or fraudulent pretenses, representations and promises.

2. As part of the above-referenced scheme, ABRAHAM induced victims to entrust money to him for a variety of investment opportunities, including investments in jewelry, precious metals and gemstones. Instead of using the funds as he promised, ABRAHAM largely used the victims' money to fund his lifestyle and to keep his struggling businesses afloat, by, for example, making payments on debts owed to third-parties and making Ponzi-style payments to other victims.

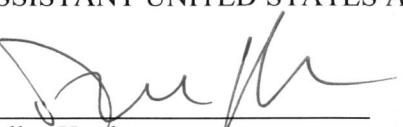
3. During the course of the scheme, ABRAHAM induced at least seven victims to invest over \$3.5 million, resulting in losses of more than \$2 million, and he attempted to solicit even more investments.

4. In carrying out the above-referenced scheme, ABRAHAM acted with an intent to defraud victims.

5. In order to advance, further, and carry out the above-referenced scheme, ABRAHAM transmitted, and caused the transmission of, writings, signals, and sounds by means of a wire communication in interstate commerce.

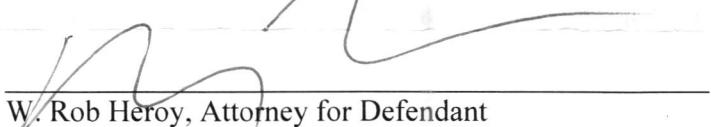
DANA WASHINGTON
ATTORNEY FOR THE UNITED STATES PURSUANT TO 28 U.S.C. § 515

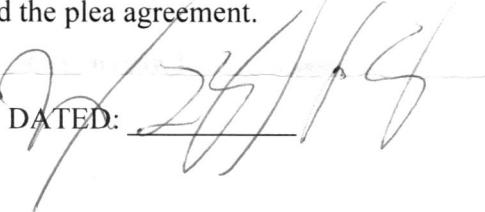

Daniel Ryan
ASSISTANT UNITED STATES ATTORNEY


Dallas Kaplan
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement.


W. Rob Heroy, Attorney for Defendant


DATED: 2/24/18